

TEXAS APPRAISER LICENSING
AND CERTIFICATION BOARD

vs.

CHAUNA K. LEMMON
TX-1329802-L

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DOCKETED COMPLAINT NO.
08-117

AGREED FINAL ORDER

On this the 27th day of JUNE, 2008, the Texas Appraiser Licensing and Certification Board, (the Board), considered the matter of the certification of Chauna K. Lemmon (Respondent).

In order to conclude this matter, Chauna K. Lemmon neither admits nor denies the truth of the Findings of Fact and Conclusions of Law contained herein and further agrees to the disciplinary action set out in this Agreed Final Order. The Board makes the following findings of fact and conclusions of law and enters this Order in accordance with TEX. OCC. CODE § 1103.458:

FINDINGS OF FACT

1. Respondent Chauna K. Lemmon is a Texas state licensed real estate appraiser, holds license number TX-1329802-L, and has been licensed by the Board during all times material to the above-noted complaint case.
2. On or about December 11th, 2007, Respondent appraised real property located at 12437 Paseo Rojo Drive, El Paso, Texas 79928 ("the property").
3. On or about February 21st, 2008, the Complainant, Bruce Fineron, filed a complaint with the Board. The complaint alleged that the appraisal report contained various deficiencies with respect to analysis and methodology.
4. On or about February 27th, 2008 the Board, in accordance with the mandate of the Administrative Procedure Act (the APA), TEX. GOV'T CODE ANN. CHPT. 2001, and TEX. OCC. CODE CHPT. 1103, notified Respondent of the nature of the accusations involved and Respondent was afforded an opportunity to respond to the accusations in the complaint. Respondent's response to the complaint was received.
5. Respondent violated TEX. OCC. CODE § 1103.405 and 22 TEX. ADMIN. CODE §§ 153.20(a)(3) and 155.1(a) by the following acts or omissions which did not conform to USPAP in effect at the time of the appraisal report for the property.
 - a) Respondent failed to comply with the record keeping provisions of the ethics rule;

- b) Respondent communicated a misleading appraisal report for the property;
- c) Respondent failed to identify and report intended use adequately;
- d) Respondent failed to identify and report the site description adequately;
- e) Respondent failed to identify and report the improvement(s) description adequately;
- f) Respondent failed to identify, analyze and report the impact on use and value of existing land use regulations, economic supply and demand, the physical adaptability of the real estate and market area trends;
- g) Respondent failed to identify and report the opinion of site value adequately;
- h) Respondent failed to identify and report the cost of new improvements adequately;
- i) Respondent failed to identify and report accrued depreciations adequately;
- j) Respondent failed to identify, analyze and report comparable sales data adequately and generally did not use recognized methods and techniques in her sales comparison approach;
- k) Respondent's report contained substantial errors of commission or omission with respect to the sales comparison, and cost approach; and,

CONCLUSIONS OF LAW

1. The Texas Appraiser Licensing and Certification Board has jurisdiction over this matter pursuant to the Texas Appraiser Licensing and Certification Act, TEX. OCC. CODE § 1103 et. seq.
2. Respondent violated the following provisions of USPAP as prohibited by TEX. OCC. CODE § 1103.405 and 22 TEX. ADMIN. CODE §§ 155.1(a) and 153.20(a)(3): USPAP Ethics Rule, USPAP Supplemental Standards Rule, USPAP Standards Rules: 1-2(a) & 2-2(b)(i); 1-2(b) & 2-2(b)(ii); 1-2(e)(i) & 2-2(b)(iii); 1-3(a) & 2-2(b)(viii), 1-4(b)(i) & 2-2(b)(viii), 1-4(b)(ii) & 2-2(b)(viii), 1-4(b)(iii) & 2-2(b)(viii), 1-1(a) & 1-4(b), 1-1(a) & 1-4(a), and 2-1(a).
3. Respondent violated 22 TEX. ADMIN. CODE §153.20(a)(9) by making material misrepresentations and omissions of material facts.

Based on the above findings of fact and conclusions of law, the Board **ORDERS** that the Respondent shall:

- a. Have her certification suspended for eighteen months with this suspension being fully probated under the following conditions:

- i. During the entire eighteen month suspension Respondent shall submit on a form prescribed by the Board, an appraisal experience log to the Board every three months. The log shall detail all real estate appraisal activities she has conducted during the previous three month period. This experience log shall be signed by Respondent and contain a notarized affidavit attesting that the log is true, complete and fully accurate. Upon request from the Board, Respondent shall provide copies of her appraisal reports and work files for any appraisal assignments she performs during the course of her period of probation within twenty days of notice of any such request;
 - ii. Respondent shall timely remit payment of the administrative penalty, and timely complete all of the remedial coursework required in this Order;
- b. Attend and complete a minimum, 15 classroom-hour course in USPAP;
- c. Attend and complete a minimum, 15 classroom-hour course in Residential Report Writing;
- d. Attend and complete a minimum, 15 classroom-hour course in the Sales Comparison Approach;
- e. Pay to the Board an administrative penalty of \$1,500.00;
 - i. Payment of the administrative penalty shall be made in three equal, \$500.00 installments, with the first payment being due within twenty days of the date of this Agreed Final Order, the second payment being due ninety days after the first payment and the third payment being due sixty days after the second payment; and,
- f. Comply with all provisions of the Act, the Rules of the Board, and USPAP in the future, or be subjected to further disciplinary action.

ALL CLASSES required by this Agreed Final Order must be classes approved by the Board and must be completed within **TWELVE MONTHS** of the date of this Order and documentation of attendance and successful completion of the educational requirements of this Order shall be delivered to the Board on or before the end of the twelve-month period indicated. None of the classes or seminars required by this Order may be taken through correspondence courses. Unless otherwise noted above, all classes must be in-class, have an exam, and Respondent must have a passing grade on the exam given in each class. None of these required classes will count toward Respondent's continuing education requirements for certification.

Payment of the **ADMINISTRATIVE PENALTY** must be by certified funds, must be

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tendered in accordance with the provisions of this Agreed Final Order.

Failure to timely comply with any of the terms of this Final Agreed Order shall result in initiation of a contested case proceeding against Respondent and after opportunity for a hearing, possible imposition of disciplinary sanctions against Respondent as provided for by TEX. OCC. CODE § 1103.518, including, but not limited to possible revocation of the above-noted probated suspension.

Respondent, by signing this Agreed Final Order, waives the Respondent's right to a formal hearing and any right to seek judicial review of this Agreed Final Order. Information about this Agreed Final Order is subject to public information requests and notice of this Agreed Final Order will be published in the Board's newsletter and/or on the Board's web site.

THE DATE OF THIS AGREED FINAL ORDER shall be the date it is executed by the Chairperson of the Texas Appraiser Licensing and Certification Board. The Chairperson has been delegated the authority to sign this Agreed Final Order by the Texas Appraiser Licensing and Certification Board vote.

Signed this 23 day of June, 2008.

Chauna K. Lemmon
CHAUNA K. LEMMON

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on this the 23 day of June, 2008, by CHAUNA K. LEMMON, to certify which, witness my hand and official seal.

Cristina B. Analla
Notary Public Signature
Cristina B. Analla
Notary Public's Printed Name



Signed by the Commissioner this 27th day of June, 2008.

Timothy K. Irvine, Commissioner
Texas Appraiser Licensing and Certification Board

Approved by the Board and Signed this 27th day of JUNE, 2008.

A handwritten signature in black ink, appearing to read "Clinton P. Sayers", is written over a horizontal line.

Clinton P. Sayers, Chairperson
Texas Appraiser Licensing and Certification Board